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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,218	09/11/2003	Gregory Richard Hintermeister	ROC920030242US1	7694
30206	7590	07/12/2005	EXAMINER	
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			AJIBADE AKONAI, OLUMIDE	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/660,218

Applicant(s)

HINTERMEISTER ET AL.

Examiner

Olumide T. Ajibade-Akonai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/11/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Satapathy (20040203607)**.

Regarding **claim 1**, Satapathy discloses a method comprising: detecting that a connection is lost while a call is in progress (determining that a call in which the mobile station is engaged is dropped, see p.2, [0031]-[0032], p.7, [0097]), prompting for a message in response to the detecting (when MS detects a call-drop, it prompts the user to record the user's speech, see p.7, [0100], [0103]-[0104]), and saving the message until the connection is available (MS plays the recorded speech signal to the other party as soon as a connection is reestablished, see p.8, [0111]).

Regarding **claim 2**, as applied to claim 1, Satapathy further discloses further comprising sending the message after the connection is available (MS plays the recorded speech signal to the other party as soon as a connection is reestablished, see p.8, [0111]).

Regarding **claim 3**, as applied to claim 2, Satapathy further discloses wherein the sending comprises sending the message to a party of the call (MS plays the recorded speech signal to the other party as soon as a connection is reestablished, see p.8, [0111]).

Regarding **claim 4**, as applied to claim 3, Satapathy further discloses wherein the sending further comprises sending the message to a party of the call (MS 12 can engage in a call with an entity 28, through the BTS 16 which is coupled to BSC 18, see fig. 1, p.2, [0022]-[0023]) via a server (BSC 18, see figs. 1, and 3, p.2, [0030]).

Regarding **claim 6**, Satapathy discloses an apparatus (MS 12, see fig. 1, p.2, [0022]) comprising: means for receiving at least one message (when MS detects a call-drop, it prompts the user to record the user's speech, see p.7, [0100], [0103]-[0104]), means for saving the at least one message until a connection is available (the MS may store the data in memory or record the user's speech, see p.7, [0100]), and means for sending the at least one message after the connection is available (MS plays the recorded speech signal to the other party as soon as a connection is reestablished, see p.8, [0111]).

Regarding **claim 7**, as applied to claim 6, Satapathy further discloses further comprising means for detecting that the connection is unavailable (determining that a call in which the mobile station is engaged is dropped, see p.2, [0031]-[0032], p.7, [0097]).

Regarding **claim 8**, as applied to claim 6, Satapathy further discloses wherein the means for sending the at least one message further comprises means for sending

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the at least one message (voice call or data session, see p.2, [0023]) to a designated recipient (entity 28 or entity 30, see fig. 1, p.2, [0023]) via a server (MS 12 can engage in a call with an entity 28, through the BTS 16 which is coupled to BSC 18, see fig. 1, p.2, [0022]-[0023]) via a server (BSC 18, see figs. 1, and 3, p.2, [0030]).

Regarding **claim 11**, Satapathy discloses a signal bearing medium (MS 12 with data storage 42 and processor 40, see fig. 2, p.2, [0027]) encoded with instructions (data storage 42 may hold instructions executable by the processor 40, see p. 2, [0048]), wherein the instructions when executed comprise: detecting that a connection is lost while a call is in progress (determining that a call in which the mobile station is engaged is dropped, see p.2, [0031]-[0032], p.7, [0097]), prompting for a message in response to the detecting (when MS detects a call-drop, it prompts the user to record the user's speech, see p.7, [0100], [0103]-[0104]), receiving the message in response to the prompting (when MS detects a call-drop, it prompts the user to record the user's speech, see p.7, [0100], [0103]-[0104]), determining whether the connection is available (MS determines if a call has been dropped and a participant can be allowed to continue communicating, see p.7, [0093]), if the connection is unavailable, saving the message until the connection is available, and sending the message to a party of the call after the connection is available (MS plays the recorded speech signal to the other party as soon as a connection is reestablished, see p.8, [0111]).

3. Claims 16, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mckay (20020187788)**.

Regarding **claim 16**, Mckay discloses a server (a server computer is coupled to the BSC, see p.2, [0023]) comprising: a processor (central processor unit, see p.2, [0023]), a storage device (memory, see p.2, [0023]) encoded with instructions (software programs, see p.2, [0024]), wherein the instructions when executed on the processor comprise: receiving a command (server computer receives instructions from the second party, see p.4, [0037]), wherein the command designates a destination (the instructions from the second party to attempt a reconnection with the first party, see p.4, [0037]) and a criteria (calling party number, see p.4 [0039]), retrieving at least one saved message (call context is stored in a storage device in the server, see p.4, [0040]) based on the criteria (server computer goes back to the context stored in a database in attempting restore disconnected call, see p.4, [0040]), determining whether a connection is available (server attempts to restore pre-disconnection status to the connection, see p.4, [0040]), and when the connection is available, sending the at least one saved message to the destination (BSC restores lost connection with the mobile terminal, and the subscriber can continue with prior activities, see p.4, [0036], [0039], [0041]).

Regarding **claim 17**, as applied to claim 16, Mckay further discloses wherein the criteria further comprise an identification of a sender (calling party number, see p.4, [0039]) that previously sent the saved message via the server (two or more entities involved in a telephone or data call via telecommunications equipment, see p.4, [0033]-[0034]).

Regarding **claim 18**, as applied to claim 16, Mckay further discloses wherein the criteria further comprise an identification of a receiver (called party number see p.4, [0039]) that previously received the saved message from the server (two or more entities involved in a telephone or data call via telecommunications equipment, see p.4, [0033]-[0034]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Satapathy (20040203607)** in view of **Provost et al (20040203948)**.

Regarding **claim 5**, as applied to claim 4, Satapathy discloses the claimed invention except further comprising receiving an acknowledgement from the server, and presenting the acknowledgement.

In the same field of endeavor, Provost et al teaches receiving an acknowledgement from the server (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]), and presenting the acknowledgement (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent

through the intermediary server 3 to the initial sender of the message by email, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of Satapathy for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

Regarding **claim 9**, as applied to claim 8, Satapathy et al discloses the claimed invention except further comprising means for receiving an acknowledgement that the at least one message was received at the server, and presenting the acknowledgement.

In the same field of endeavor, Provost et al teaches a means for receiving an acknowledgement (information about the status of the messages that have been sent, see p.4, [0101]) that the at least one message was received at the server (intermediary server 3 sends a message to the sender giving information about the status of messages sent to the mobile terminal 2 through the intermediary server 3, see p.4, [0101]), and presenting the acknowledgement (intermediary server sends a dynamic HTML page to the sender giving information about the status of messages sent, see p.4, [0101]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of Satapathy for the benefit of enabling the sender to keep track of message progress.

Regarding **claim 10**, as applied to claim 9, Satapathy discloses the claimed invention except further comprising means for receiving an acknowledgement that the at



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least one message was sent from the server to the party, and means for presenting the acknowledgement.

In the same field of endeavor, Provost et al discloses a means for receiving an acknowledgement that the at least one message was sent from the server to the party (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]), and means for presenting the acknowledgement (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message by email, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of Satapathy for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mckay (20020187788)** in view of **Provost et al (20040203948)**.

Regarding **claim 19**, as applied to claim 16, Mckay discloses the claimed invention except wherein the instructions further comprise sending an acknowledgement to an originator of the command after the receiving.

In the same field of endeavor, Provost et al discloses sending an acknowledgement to an originator of the command (sender of the message, see p.4, [0101]) after the receiving (intermediary server sends a dynamic HTML page to the sender giving information about the status of messages sent, see p.4, [0101]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of McKay into the system of Satapathy for the benefit of enabling the sender to keep track of message progress.

Regarding **claim 20**, as applied to claim 16, McKay discloses the claimed invention except wherein the instructions further comprise sending an acknowledgement to an originator of the command after the sending.

In the same field of endeavor, Provost et al discloses wherein the instructions further comprise sending an acknowledgement to an originator (sender of the message, see p.4, [0101]) of the command after the sending (acknowledgement of the receipt of the SMS message by mobile terminal 2 is sent through the intermediary server 3 to the initial sender of the message, see fig. 1, p.4, [0107]).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Provost et al into the system of McKay for the benefit of providing a means for acknowledging that the destination mobile terminal has read a message sent from a transmitter terminal.

7. Claims 12, 13, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Satapathy (20040203607)** in view of **Boman et al (6,895,257)**.

Regarding **claim 12**, as applied to claim 11, Satapathy discloses the claimed invention except further comprising requesting a previously sent message from a server.

In the same field of endeavor, Boman teaches requesting a previously sent message (email message, see col. 7, lines 62-63) from a server (user recalls email

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and previously associated dictated notes from the server, see fig. 5, col. 7, lines 62-67, col. 8, lines 1-5).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Boman into the system of Satapathy for the benefit of improving the text and audio messaging features of portable devices.

Regarding **claim 13**, as applied to claim 12, the combination of Satapathy and Boman et al disclose the claimed invention.

Boman et al further discloses requesting that the server send the previously sent message to the party (user edits the recalled message and sends the message as an email message, see fig. 5, col. 8, lines 15-21).

It would therefore have been obvious to one of ordinary skill in the art to further modify the combination of Boman and Satapathy for the benefit of enabling a user to browse through email that is stored in the server.

Regarding **claim 14**, as applied to claim 11, Satapathy discloses the claimed invention except further comprising requesting that a server send a transcript of the previously-sent messages to a destination.

In the same field of endeavor, Boman et al teaches requesting that a server (server step 124, see fig. 5, col. 7, line 42) send a transcript of the previously-sent messages (short summaries of incoming email and voice mail, see abstract, col. 7, lines 30-43) to a destination (mobile communication device, see col. 2, lines 6-14).

It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Boman et al into the system of Satapathy for the benefit of enabling a user to browse through email that is stored in the server.

Regarding **claim 15**, as applied to claim 12, the combination of Satapathy and Booman et al disclose the claimed invention.

Boman et al further discloses receiving the previously sent message from the server (user recalls email and previously associated dictated notes from the server, see fig. 5, col. 7, lines 62-67, col. 8, lines 1-5).

It would therefore have been obvious to one of ordinary skill in the art to further modify the combination of Boman and Satapathy for the benefit of improving the text and audio messaging features of portable devices.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park (20050130632) discloses a method and device for providing information of unfinished call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OA

A handwritten signature in black ink, appearing to read 'Charles Appiah', is positioned above the printed name and title.

**CHARLES APPIAH  
PRIMARY EXAMINER**